

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases 16-10444

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The Hon. Judith E. Levy
United States District Judge

Bellwether III Case No. 17-10164

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NOTICE OF OBJECTION
TO DESIGNATIONS OF PROTECTED MATERIAL

Pursuant to the Court’s December 19, 2019 Confidentiality Order [Case No. 16-cv-10444, ECF No. 299],¹ Plaintiffs challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated CONFIDENTIAL or HIGHLY CONFIDENTIAL – FOR ATTORNEYS’ EYES ONLY:

1. VWNAOS512372-VWNAOS512372.0003
2. VWNAOS528216-VWNAOS528216.0002
3. VWNAOS527919-VWNAOS527919.0001
4. VWNAOS512374-VWNAOS512374.0004
5. VWNAOS282218-VWNAOS282218.0017
6. VWNAOS550142-VWNAOS550142.0003

¹See also Fifth Amended Case Management Order [Case No. 16-cv-10444, ECF No. 1255-3].

7. VWNAOS545022-VWNAOS545022.0002
8. VWNAOS528566-VWNAOS528566.0004
9. VWNAOS553415-VWNAOS553415.0004
- 10.VWNAOS511445-VWNAOS511445.0016
- 11.VWNAOS528317-VWNAOS528317.0004
- 12.VWNAOS511021-VWNAOS511021.0012
- 13.VWNAOS512364-VWNAOS512364.0013
- 14.VWNAOS553565-VWNAOS553565.0002
- 15.VWNAOS528546-VWNAOS528546.0002
- 16.VWNAOS528307-VWNAOS528307.0008
- 17.VWNAOS510979-VWNAOS510979.0010
- 18.VWNAOS544781-VWNAOS544781.0001
- 19.VWNAOS528160-VWNAOS528160.0027
- 20.VWNAOS527000-VWNAOS527000.0001
- 21.VWNAOS550112-VWNAOS550112.0001
- 22.VWNAOS527022-VWNAOS527022.0004
- 23.VWNAOS511443-VWNAOS511443.0015
- 24.VWNAOS511862-VWNAOS511862.0016
- 25.VWNAOS511765-VWNAOS511765.0020
- 26.VWNAOS512839-VWNAOS512839.0026

27.VWNAOS527041-VWNAOS527041.0003
28.VWNAOS528211-VWNAOS528211.0015
29.VWNAOS528547-VWNAOS528547.0040
30.VWNAOS313158-VWNAOS313158.0018
31.VWNAOS553132-VWNAOS553132.0001
32.VWNAOS527052-VWNAOS527052.0002
33.VWNAOS528162-VWNAOS528162.0004
34.VWNAOS511277-VWNAOS511277.0011
35.VWNAOS511429-VWNAOS511429.0008
36.VWNAOS550079-VWNAOS550079.0008
37.VWNAOS312086-VWNAOS312086.0014
38.VWNAOS511744-VWNAOS511744.0009
39.VWNAOS512889-VWNAOS512889.0018
40.VWNAOS527051-VWNAOS527051.0020
41.VWNAOS550154-VWNAOS550154.0001
42.VWNAOS312047-VWNAOS312047.0017
43.VWNAOS511431-VWNAOS511431.0034
44.VWNAOS527062-VWNAOS527062.0004
45.VWNAOS511433-VWNAOS511433.0009
46.VWNAOS528152-VWNAOS528152.0001

47.VWNAOS511624-VWNAOS511624.0013

48.VWNAOS527066-VWNAOS527066.0017

49.VWNAOS512942-VWNAOS512942.0020

50.VWNAOS550029-VWNAOS550029.0002

Plaintiffs informed Veolia of their formal challenge to these designations on September 29, 2023 via email.²

Veolia has not acknowledged the correspondence.

Plaintiffs further challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated CONFIDENTIAL or HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY:

1. VWNAOS512369-VWNAOS512369.0019
2. VWNAOS528573-VWNAOS528573.0010
3. VWNAOS550144-VWNAOS550144.0001
4. VWNAOS512843-VWNAOS512843.0010
5. VWNAOS527071-VWNAOS527071.0001
6. VWNAOS537242-VWNAOS537242.0001
7. VWNAOS544981-VWNAOS544981.0002

² September 29, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit A** and incorporated by reference as if fully stated herein.

8. VWNAOS550151-VWNAOS550151.0002
9. VWNAOS527082-VWNAOS527082.0017
- 10.VWNAOS537466-VWNAOS537466.0001
- 11.VWNAOS545973-VWNAOS545973.0002
- 12.VWNAOS553644-VWNAOS553644.0022
- 13.VWNAOS512932-VWNAOS512932.0018
- 14.VWNAOS511503-VWNAOS511503.0013
- 15.VWNAOS527086-VWNAOS527086.0012
- 16.VWNAOS528074-VWNAOS528074.0006
- 17.VWNAOS512339-VWNAOS512339.0026
- 18.VWNAOS550012-VWNAOS550012.0001
- 19.VWNAOS531825-VWNAOS531825.0001
- 20.VWNAOS528599-VWNAOS528599.0002
- 21.VWNAOS527081-VWNAOS527081.0002
- 22.VWNAOS550141-VWNAOS550141.0003
- 23.VWNAOS333484-VWNAOS333484.0005
- 24.VWNAOS512922-VWNAOS512922.0016
- 25.VWNAOS527070-VWNAOS527070.0012
- 26.VWNAOS550124-VWNAOS550124.0001
- 27.VWNAOS513047-VWNAOS513047.0024

28.VWNAOS513069-VWNAOS513069.0001

29.VWNAOS527091-VWNAOS527091.0001

30.VWNAOS513124-VWNAOS513124.0017

31.VWNAOS510976-VWNAOS510976.0010

32.VWNAOS513006-VWNAOS513006.0012

33.VWNAOS528763-VWNAOS528763.0001

34.VWNAOS249160-VWNAOS249160.0029

35.VWNAOS550114-VWNAOS550114.0001

36.VWNAOS249915-VWNAOS249915.0019

37.VWNAOS193661-VWNAOS193661.0047

38.VWNAOS528166-VWNAOS528166.0002

39.VWNAOS249164-VWNAOS249164.0016

40.VWNAOS528713-VWNAOS528713.0002

41.VWNAOS550111-VWNAOS550111.0001

42.VWNAOS365214-VWNAOS365214.0005

43.VWNAOS528382-VWNAOS528382.0001

44.VWNAOS549987-VWNAOS549987.0001

45.VWNAOS528688-VWNAOS528688.0021

46.VWNAOS249912-VWNAOS249912.0037

47.VWNAOS527905-VWNAOS527905.0002

48.VWNAOS544980-VWNAOS544980.0001

49.VWNAOS511618-VWNAOS511618.0013

50.VWNAOS512925-VWNAOS512925.0016

Plaintiffs informed Veolia of their formal challenge to these designations on October 4, 2023 via email.³

Veolia has not acknowledged the correspondence.

Plaintiffs further challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated CONFIDENTIAL or HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY:

1. VWNAOS528146-VWNAOS528146.0004
2. VWNAOS510926-VWNAOS510926.0010
3. VWNAOS512936-VWNAOS512936.0015
4. VWNAOS550148-VWNAOS550148.0001
5. VWNAOS513010-VWNAOS513010.0026
6. VWNAOS249922-VWNAOS249922.0023
7. VWNAOS527915-VWNAOS527915.0006
8. VWNAOS511026-VWNAOS511026.0011

³ October 4, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit B** and incorporated by reference as if fully stated herein.

9. VWNAOS527034-VWNAOS527034.0009
10.VWNAOS249919-VWNAOS249919.0023
11.VWNAOS537778-VWNAOS537778.0001
12.VWNAOS553658-VWNAOS553658.0001
13.VWNAOS528714-VWNAOS528714.0001
14.VWNAOS511321-VWNAOS511321.0001
15.VWNAOS545015-VWNAOS545015.0008
16.VWNAOS512994-VWNAOS512994.0012
17.VWNAOS550078-VWNAOS550078.0003
18.VWNAOS525301-VWNAOS525301.0006
19.VWNAOS527084-VWNAOS527084.0001
20.VWNAOS528690-VWNAOS528690.0014
21.VWNAOS528765-VWNAOS528765.0002
22.VWNAOS249917-VWNAOS249917.0032
23.VWNAOS312044-VWNAOS312044.0027
24.VWNAOS312075-VWNAOS312075.0044
25.VWNAOS528681-VWNAOS528681.0021
26.VWNAOS512852-VWNAOS512852.0019
27.VWNAOS528388-VWNAOS528388.0005
28.VWNAOS312055-VWNAOS312055.0020

29.VWNAOS528671-VWNAOS528671.0020

30.VWNAOS333693-VWNAOS333693.0001

31.VWNAOS319859-VWNAOS319859.0001

32.VWNAOS528378-VWNAOS528378.0001

33.VWNAOS528746-VWNAOS528746.0004

34.VWNAOS528368-VWNAOS528368.0004

35.VWNAOS528324-VWNAOS528324.0013

36.VWNAOS528304-VWNAOS528304.0003

37.VWNAOS528290-VWNAOS528290.0008

38.VWNAOS528284-VWNAOS528284.0001

39.VWNAOS513378-VWNAOS513378.0031

40.VWNAOS528177-VWNAOS528177.0013

41.VWNAOS513024-VWNAOS513024.0018

42.VWNAOS511035-VWNAOS511035.0011

43.VWNAOS528675-VWNAOS528675.0016

44.VWNAOS528205-VWNAOS528205.0025

45.VWNAOS511697-VWNAOS511697.0018

46.VWNAOS528167-VWNAOS528167.0013

47.VWNAOS528712-VWNAOS528712.0001

48.VWNAOS528625-VWNAOS528625.0004

49.VWNAOS332056-VWNAOS332056.0005

50.VWNAOS528147-VWNAOS528147.0004

Plaintiffs informed Veolia of their formal challenge to these designations on October 20, 2023 via email.⁴

Veolia has not acknowledged the correspondence.

Plaintiffs further challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated CONFIDENTIAL or HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY:

1. VWNAOS545026-VWNAOS545026.0002
2. VWNAOS545006-VWNAOS545006.0002
3. VWNAOS249169-VWNAOS249169.0016
4. VWNAOS510922-VWNAOS510922.0010
5. VWNAOS528117-VWNAOS528117.0001
6. VWNAOS510902-VWNAOS510902.0014
7. VWNAOS528606-VWNAOS528606.0001
8. VWNAOS528590-VWNAOS528590.0002
9. VWNAOS510973-VWNAOS510973.0010

⁴ October 20, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit C** and incorporated by reference as if fully stated herein

10.VWNAOS553650-VWNAOS553650.0002
11.VWNAOS510923-VWNAOS510923.0014
12.VWNAOS554089-VWNAOS554089.0003
13.VWNAOS528560-VWNAOS528560.0001
14.VWNAOS528309-VWNAOS528309.0001
15.VWNAOS512807-VWNAOS512807.0018
16.VWNAOS512837-VWNAOS512837.0029
17.VWNAOS528310-VWNAOS528310.0032
18.VWNAOS511621-VWNAOS511621.0016
19.VWNAOS528300-VWNAOS528300.0012
20.VWNAOS511450-VWNAOS511450.0020
21.VWNAOS537537-VWNAOS537537.0001
22.VWNAOS511426-VWNAOS511426.0008
23.VWNAOS528323-VWNAOS528323.0002
24.VWNAOS554796-VWNAOS554796.0004
25.VWNAOS527049-VWNAOS527049.0005
26.VWNAOS528303-VWNAOS528303.0013
27.VWNAOS527069-VWNAOS527069.0001
28.VWNAOS395017-VWNAOS395017.0018
29.VWNAOS527079-VWNAOS527079.0004

30.VWNAOS553563-VWNAOS553563.0002
31.VWNAOS527089-VWNAOS527089.0008
32.VWNAOS511521-VWNAOS511521.0016
33.VWNAOS528585-VWNAOS528585.0001
34.VWNAOS528151-VWNAOS528151.0012
35.VWNAOS511032-VWNAOS511032.0011
36.VWNAOS528299-VWNAOS528299.0016
37.VWNAOS528555-VWNAOS528555.0013
38.VWNAOS510901-VWNAOS510901.0010
39.VWNAOS528545-VWNAOS528545.0019
40.VWNAOS528279-VWNAOS528279.0004
41.VWNAOS528219-VWNAOS528219.0016
42.VWNAOS528594-VWNAOS528594.0002
43.VWNAOS528209-VWNAOS528209.0010
44.VWNAOS512848-VWNAOS512848.0018
45.VWNAOS528371-VWNAOS528371.0002
46.VWNAOS513068-VWNAOS513068.0001
47.VWNAOS528564-VWNAOS528564.0042
48.VWNAOS526987-VWNAOS526987.0009
49.VWNAOS312153-VWNAOS312153.0016

50.VWNAOS511512-VWNAOS511512.0013

Plaintiffs informed Veolia of their formal challenge to these designations on November 2, 2023 via email.⁵

Veolia has not acknowledged the correspondence.

Plaintiffs further challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated CONFIDENTIAL or HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY:

1. VWNAOS513008-VWNAOS513008.0014
2. VWNAOS312143-VWNAOS312143.0041
3. VWNAOS528554-VWNAOS528554.0001
4. VWNAOS513038-VWNAOS513038.0018
5. VWNAOS528301-VWNAOS528301.0001
6. VWNAOS512977-VWNAOS512977.0027
7. VWNAOS545313-VWNAOS545313.0001
8. VWNAOS528692-VWNAOS528692.0021
9. VWNAOS540542-VWNAOS540542.0001
- 10.VWNAOS511018-VWNAOS511018.0007

⁵ November 2, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit D** and incorporated by reference as if fully stated herein

11.VWNAOS528154-VWNAOS528154.0012
12.VWNAOS527067-VWNAOS527067.0012
13.VWNAOS512885-VWNAOS512885.0019
14.VWNAOS513052-VWNAOS513052.0023
15.VWNAOS527087-VWNAOS527087.0001
16.VWNAOS538319-VWNAOS538319.0002
17.VWNAOS528104-VWNAOS528104.0001
18.VWNAOS544982-VWNAOS544982.0003
19.VWNAOS545011-VWNAOS545011.0013
20.VWNAOS553137-VWNAOS553137.0002
21.VWNAOS512928-VWNAOS512928.0016
22.VWNAOS528061-VWNAOS528061.0038
23.VWNAOS528169-VWNAOS528169.0029
24.VWNAOS512988-VWNAOS512988.0014
25.VWNAOS528021-VWNAOS528021.0003
26.VWNAOS511022-VWNAOS511022.0011
27.VWNAOS528159-VWNAOS528159.0001
28.VWNAOS528562-VWNAOS528562.0003
29.VWNAOS526996-VWNAOS526996.0009
30.VWNAOS527920-VWNAOS527920.0002

31.VWNAOS528149-VWNAOS528149.0002
32.VWNAOS527083-VWNAOS527083.0012
33.VWNAOS511447-VWNAOS511447.0016
34.VWNAOS528109-VWNAOS528109.0006
35.VWNAOS527093-VWNAOS527093.0001
36.VWNAOS531833-VWNAOS531833.0010
37.VWNAOS528408-VWNAOS528408.0002
38.VWNAOS553605-VWNAOS553605.0001
39.VWNAOS527916-VWNAOS527916.0003
40.VWNAOS553625-VWNAOS553625.0001
41.VWNAOS536531-VWNAOS536531.0001
42.VWNAOS553652-VWNAOS553652.0003
43.VWNAOS311337-VWNAOS311337.0001
44.VWNAOS528416-VWNAOS528416.0003
45.VWNAOS511965-VWNAOS511965.0023
46.VWNAOS553566-VWNAOS553566.0002
47.VWNAOS528325-VWNAOS528325.0003
48.VWNAOS531828-VWNAOS531828.0004
49.VWNAOS528592-VWNAOS528592.0002
50.VWNAOS528305-VWNAOS528305.0001

Plaintiffs informed Veolia of their formal challenge to these designations on November 8, 2023 via email.⁶

Veolia has not acknowledged the correspondence.

The subject documents do not contain confidential information under applicable law or pursuant to this Court's prior orders. Thus, because there is a profound public interest in the Flint Water Crisis and in this litigation (as Veolia and the Court have consistently stated); because the truth matters (as Veolia has vigorously and publicly argued);⁷ and in light of Veolia's significant public presence online and Veolia's continued public misinformation campaign,⁸ these documents must be de-designated as CONFIDENTIAL. Further, if any are made public, such would not cause oppression, competitive disadvantage, infringement of privacy rights established by statute or regulation, or infringement of confidentiality requirements established by statute or regulation with respect to government purchasing or other operations. Conversely, and perhaps most importantly, doing so might begin to level the playing field.

⁶ November 8, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit E** and incorporated by reference as if fully stated herein

⁷ See @VNAFlintFacts: Description of Twitter handle, attached hereto as **Exhibit F** and incorporated by reference as if fully stated herein.

⁸ See Declaration of Lauren H. Cohen, Ph.D., previously filed in Case No. 16-cv-10444 [ECF No. 2550], attached hereto as **Exhibit G** and incorporated by reference as if fully stated herein.

Dated: November 25, 2023

Respectfully submitted,

/s/ Corey M. Stern

Corey M. Stern

Melanie Daly

605 Third Ave., 33rd Fl.

New York, New York 10158

cstern@levylaw.com

mdaly@levylaw.com

CERTIFICATE OF SERVICE

I, Corey Stern, hereby certify that on November 25, 2023 the foregoing document and the attached exhibits were served on all counsel of record via the court's ECF system.

/s/ Corey M. Stern
Corey M. Stern